

**REMARKS**

Examiner Pompey is thanked for the thorough examination of the subject Patent Application. The Claims have been carefully reviewed and are considered to be in condition for allowance.

5        Reconsideration of the rejection under 35 USC §103(a) of Claims 23-33 as being unpatentable over U.S. Patent 6,218,720 (Gardner et al.) in light of the following argument. The applicants request that the Examiner reconsider the effectiveness of the Declaration under 37 CFR 1.131 submitted by the applicants filed March 17, 2003. The applicants are submitting a new Declaration under 37  
10      CFR 1.131, with attached exhibits as evidence in support of the facts stated in the declaration to swear behind the reference of Gardner et al. This establishes the conception and diligence of the subject matter of the rejected claims from prior to the effective date (October 21, 1998) of the reference (Gardner et al.) to the date of filing.

15      The applicant believes the declaration is now sufficient to establish invention in this country prior to the effective date of U.S. Patent 6,218,720 (Gardner et al.) of October 21, 1998. As such, the rejection under 35 USC §103(a) of Claims 23-33 as being unpatentable over Gardner et al. is now considered moot.

Allowance of all Claims is requested.

It is requested that should the Examiner Pompey not find that the Claims are now allowable, that the undersigned be called at (845) 452-5863 to overcome any problems preventing allowance.

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Respectfully Submitted,

Billy J. Knowles  
Billy J. Knowles, Reg. No. 42,752

10      Attachments: